

ciarb.

Scottish Branch

The Chartered Institute of Arbitrators

Pupillage for the Scottish Branch Panel of Arbitrators

1. Introduction

- 1.1. The Prior Conditions for an Application to the Scottish Branch Panel of Arbitrators is set out in the Application Form as:
 - 1.1.1. A candidate must be a Fellow of the Institute.
 - 1.1.2. A candidate must provide evidence of relevant experience.
 - 1.1.3. The candidate must confirm that he / she, has not been the subject of any successful professional disciplinary proceeding.
 - 1.1.4. The candidate must confirm that he / she has detailed familiarity with the terms of the Arbitration (Scotland) Act 2010, the Scottish Arbitration Rules, the law and practice of arbitration in Scotland, and the case law relevant thereto.
 - 1.1.5. A candidate must provide evidence of Continuing Professional Development meeting the Institute's relevant policy. The candidate must attend at least one half day training course arranged by the Ciarb or other approved professional body.
 - 1.1.6. A candidate must have completed the Branch's application form for Scottish Branch Panel of Arbitrators ("Scottish Branch Panel") membership.

2. Pupillage

- 2.1. Pupillage is obtaining experience on the practical side of arbitration. The missing period between obtaining the Fellowship through examination and the interview to gaining entry onto the Arbitration Panel.
- 2.2. The branch acknowledges that the reality and the experience gained in practice is difficult to obtain before any candidate is appointed by the Branch.
- 2.3. Pupillage is not compulsory prior to gaining entry to the Arbitration Panel but is actively encouraged. It is a process that facilitates the less experienced aspiring Arbitrator to obtain such experience.

2.4. The process is relatively simple.

2.4.1. The pupil is allotted a pupil master who is an experienced Arbitrator from the list of Panel members.

2.4.2. Subject to parties' approval, the pupil shadows the pupil master in say two arbitrations. Actual number of arbitrations to be determined by the pupil master or the Convenor to learn:

2.4.2.1. How to accept the nomination.

2.4.2.2. The Arbitrator's Terms of business.

2.4.2.3. Powers of the Arbitrator.

2.4.2.4. Issue directions.

2.4.2.5. Party correspondence.

2.4.2.6. Management of the process.

2.4.2.7. Attend and hold hearings.

2.4.2.8. The role of the factual Witnesses.

2.4.2.9. The role of the Experts.

2.4.2.10. Examination of the Parties

2.4.2.11. Part Awards.

2.4.2.12. Draft Awards.

2.4.3. All being performed in a confidential manner with no input from the pupil in the actual Award.

2.4.4. It is envisaged that the pupillage will run behind the actual real time arbitration. The delay period to be determined by the arbitrator, thus allowing time for the Arbitrator and the pupil to discuss matters during and after the Award has been published to the Parties.

2.4.5. Once the pupil master is satisfied that the pupil has attained the requisite skill and ability, the pupil master will sign-off the pupil's work, confirming the tasks performed by the pupil were completed to reasonable and satisfactory standard. A copy of the sign-off is provided to the Convenor.

2.4.6. Two completed Awards performed under Pupillage may be used to substantiate the Scottish Branch Criteria of "relevant experience".

2.4.7. The experience gained does not necessarily come from Ciarb appointments.

2.5. The pupil should maintain an anonymised logbook of her/his directions and decisions for the perusal of the interview panel.

3. Pupillage Convenor

- 3.1. The Scottish Branch has appointed Lisa Cattanach to be the Convenor and manager for pupillage.
- 3.2. Lisa will be the candidates' go to person, to liaise and appoint the pupil master.
- 3.3. Lisa's email is mentor@Ciarb.scot

4. Qualifications

- 4.1. Pupils, who have successfully completed pupillage, will still have to be assessed by the Scottish Branch and interviewed to ensure that the candidate achieves the Criteria required for entry to the Panel.
- 4.2. Pupillage does not guarantee entry onto the Panel.
- 4.3. Ciarb's "The Guidance" is a Ciarb's publication of what is expected at the interview of the candidates is found at <https://Ciarb.org/media/25174/the-guidance.pdf> of the Ciarb's website.